

PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant:	BINZEL ET AL.	)	
		)	Examiner N. Vo
Appl. No.	10/637,124	)	
		)	Art Unit 2618
Confirm. No.	3836	)	
		)	Atty. Docket No. CS21165RL
Filed:	8 August 2003	)	
Title:	"Incoming Message Decoding in Wireless Communications Devices And Methods Therefor"		

**PRE-APPEAL BRIEF REVIEW REQUEST**

Assistant Commissioner for Patents  
Alexandria, Virginia 22313

Sir:

**Review Request, Claims Pending**

The claims stand subject to a final Office action mailed on 13 July 2007. Pre-appeal brief review is respectfully requested. The claims have not been amended since the mailing of the final office action. A notice of appeal has been filed concurrently. Claims 1 and 3-23 are pending.

**Arguments**

**Rejection Summary**

Claims 1-2 and 5-7 are rejected under 35 U.S.C. 102(e) for anticipation by U.S. Patent No. 7,107,080 (Patel).

Claims 3-4 and 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patel and U.S. Publication No. 2003/0156551 (Inoue).

Claims 19-23 are rejected under 35 U.S.C. 102(e) for anticipation by U.S. Publication No. 2003/0156551 (Inoue).

### Discussion

The subject application was filed on 8 August 2003 based on a priority EPC Application (Number 02292026.8) filed on 13 August 2002, for which the Commissioner granted a foreign filing license base on Applicants' 37 CFR 5.12 Petition of 5 August 2002.

In the instant application, Applicants unintentionally delayed the claim to priority to the earlier filed EPC application under 35 USC 119. On 30 April 2007, Applicants filed a Petition under 37 CFR. 1.55(c) to accept Applicants unintentionally delayed claim for priority. Applicant's also filed a Supplemental Declaration, as required.

On 11 September 2007, Applicants submitted a certified copy of the European Application No. 02292026.8 filed on 13 August 2002 from which priority is claimed. The certified copy was submitted with diligence upon receipt from the European Patent Office.

Applicants' claimed priority date antedates the 35 U.S.C. 102(e) effective date of U.S. Patent No. 7,107,080 (Patel).

In the Advisory Action mailed on 18 October 2007, the Examiner maintained the rejections on the grounds that the submission of the certified copy of the priority document was not timely.

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On 8 November 2007, the Applicants' Petition under 37 CFR 1.55 was granted and a corrected filing receipt was issued.

Applicants assert that all requirements under 35 USC 119(a)-(d) and 37 CFR 1.55(a)(1) have been met.

### **Prayer For Relief**

In view of the discussion above and the attached certified copy of the priority document, the Claims of the present application are in condition for allowance. Kindly withdraw any rejections and objections and allow this application to issue as a United States Patent without further delay.

Respectfully submitted,

/ ROLAND K. BOWLER II /

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ROLAND K. BOWLER II      13 Nov. 2007  
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